



August 16, 2019

Regional Freedom of Information Officer
U.S. EPA, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866
(212) 637-3668

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, and section 104(e)(7)(A) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604(e)(7)(A),¹ I am requesting copies of records held at EPA's Region 2 office concerning a series parties named as potentially responsible parties (PRPs) for the Frontier Chemical superfund site in Niagara Falls, New York. (<https://cumulis.epa.gov/supercpad/CurSites/csinfo.cfm?id=0201541>).

The parties in question may include the following:

- Chemical Coatings Corporation in Providence, Rhode Island
- Eastern Color & Chemical Company in Providence, Rhode Island
- Teknor Apex in Pawtucket, Rhode Island and Attleboro, Massachusetts, which may also be listed under the following names:
 - Thompson Chemical Company
 - Thompson Apex Company
 - Apex Tire & Rubber Company

The primary records of interest are the responses by these parties to EPA requests for information made by under section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly referred to as Superfund), together with the supporting documents submitted by these parties concerning the composition of their wastes sent to the Frontier Site. It is believed that these were drummed wastes. These documents are believed to have been submitted to the EPA during the investigation and removal actions at the Frontier Chemical site in the early and mid-1990s, particularly the drum removal action.

We are also seeking any analyses by the EPA, state, or a government contractor about the composition of the above-named parties' waste materials.

¹ The relevant statutory text provides that: "Any records, reports, or information obtained from any person under this section (including records, reports, or information obtained by representatives of the President) shall be available to the public, [except for trade secrecy claims]. Trade secrecy claims are restricted by section 104(e)(7)(F).

Request Information

History Associates requests the release of the above materials pursuant to FOIA and pursuant to section 104(e)(7)(A) of CERCLA. To the extent EPA decides to withhold any document(s), we ask that all reasonably segregable factual portions of these documents be released, consistent with FOIA practice. We also ask that if any materials are withheld or redacted, we be provided an index showing the basis under FOIA for each such redaction or withholding. We also note that most materials submitted to EPA under section 104(e) of CERCLA are required to be made available to the public, and that claims of trade secrecy are severely limited by section 104(e)(7).

History Associates agrees to pay all reasonable and standard processing fees authorized by 5 U.S.C. 552(a)(4)(A) and the applicable regulations up to \$250. Should the fees exceed this amount, please call me with an estimate of the total costs in order that specific expenditures beyond \$250 can be authorized.

Should you have any questions or concerns regarding this request, please contact me at (301) 279-9697 or via email at HBergen@historyassociates.com.

Sincerely,

Hilary Bergen